

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

CARLOS E. GUTIERREZ

PLAINTIFF

v.

Civil No. 05-5083

CORPORAL WESLEY KERN

DEFENDANT

ORDER

On May 16, 2006, an evidentiary hearing was held in this case. (Doc. 33). On June 8, 2006, a notice of the death of the defendant was filed by defendant's counsel. (Doc. 34). The notice indicates the defendant Wesley Kern was killed in an automobile accident.

Under Rule 25 of the Federal Rules of Civil Procedure if a cause of action survives the death of the individual believed to be liable, a motion to substitute the administrator of the estate of the decedent may be filed. The plaintiff is given until **July 7, 2006, to file a motion to substitute under Rule 25 of the Federal Rules of Civil Procedure.**

IT IS SO ORDERED this 12th day of June 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE